

# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDRE LEWIS

✓

C/O CRAM

[REDACTED]

UNIT MANAGER FISHER

LT. MOORE

Complaint

Civil No. \_\_\_\_\_

\*EMERGENCY COMPLAINT

FILED  
HARRISBURG, PA

JUL 22 2020

PER

DEPUTY CLERK

## COMPLAINT

Plaintiff Andre Lewis, A Pro Se Inmate, Files this Complaint against Correctional officer Cram Officer Washko, Lt. Moore, And Unit Manager Fisher, alleges as follows:

- 1) This Court has Jurisdiction over this action Under 28 U.S.C. Section 1331 and 1343(3) and (4). The matter in Controversy arise Under 42 U.S.C. Section 1983.
- 2) Venue Properly lies in this District Pursuant to 28 U.S.C. Section 1391(b)(2) because the events giving rise to this



Cause of Action Occurred at State Correctional Facility Smithfield in Huntingdon, PA which is located within the middle district.

- 3.) Plaintiff Andre Lewis is and was, at all times relevant hereto, a Prisoner in the Custody of the Department of Corrections. At the time of the events Relevant hereto, ~~Andre~~ Lewis was incarcerated at SCI-Smithfield. Lewis is currently at SCI-Smithfield.
- 4.) Defendant Fisher is an Unit manager employee at SCI-Smithfield, who at all times relevant hereto was assigned to Oversee Plaintiff housing unit and the officers assigned to the Unit.
- 5.) Defendant Crain is an SOOC officer, who at all times relevant hereto, was assigned to Plaintiff housing unit on the dates in Question.
- 6.) Defendant Wasko is an SOOC officer, who at all times relevant hereto, was assigned to Plaintiff housing unit.

7) Defendant Moore is an SOOC Officer with the rank of Lieutenant, who at all times relevant hereto, assigned as the ranking Supervisor over Seeing Plaintiff housing unit.

## EXHAUSTION OF REMEDIES

8) Plaintiff has Filed Grievances on this matter. However, due to the latest events and due to the Grievance Procedure taking months to be resolved, this became an urgent matter. Plaintiff honestly believes his life is at risk.

## FACTS

9) Plaintiff arrived at SCI-Smythfield on December 24, 2019, to the behavioral management unit. Since his arrival, Plaintiff [up until recently] has had a positive report with Prison Officials, and had one misconduct related behavior [on 1-7-2020] since he arrived which he was Found NOT GUILTY OF. Plaintiff [until recently] has been 6 plus months without a misconduct.



10) Due to multiple rules violations by officers, Plaintiff Filed 7 plus Grievances and won.

Thus [winning] having pissed the officers off. Officers [including the named defendants] begin to retaliate by verbal abuse and threats. Conducting illegal cell searches [Defendant Crain] and damaging or destroying my property I.e. Radio, Sweat shirt, T.V. Remote, and pictures.

11) On 6-24-2020, at 1926 hour, while out for my hour recreation, Officer Crain begin to yell verbal threats and racial slurs trying to get a reaction out of me. I ignored him and begin to work out. At that time I heard this officer yell out "yeah George Floyd worked out too. He's still dead!" I laugh it off and continued to work out. Officer Crain then enter my cell, conducted an illegal cell search, took my property [T.V. Remote] and served me a notice of rule violation [misconduct. which I was later found not guilty]. Due to his threats and racial slurs, I reported it via request slip to staff and verbally, to Defendants Moore, and Unit manager Fisher. No actions was taken.



12) On 6:30.2020, at or around 3pm to 6pm, I was sitting on my bed filling out a grievance against LT. Moore for keep making unwanted jokes about George Floyd, when LT. Moore and 4 other officers came to serve me notice of a misconduct and to take me on account ability. I refused to go due to it being a bogus claim. [NOTE: Early in the day I called the inmate abuse hotline to report abuse against LT. Moore. So they looked up my history and planted a claim of staff assault on me out of retaliation for ~~called~~ calling the abuse Hot line}. Force was used. While I was on the ground on J A Day room floor, I was told by LT. Moore "you lucky. I heard you call the hotline telling them I said I was going to George Floyd you. It okay, I documented that. maybe next time!!

13) Due to C/O Crain threats to "Fuck" me up or "spray you if you don't shut up". And his [C/O Crain] and LT. Moore constant racial jokes ~~repeated~~ ~~repeated~~ i.e. Porch men they, George Floyd etc, I became very depress and suicidal. [Officers had been denying me showers causing infections]



13) I begin to Swallow Batteries, Paper Clips, and Staples, On 7-2-2020. I Swallowed 6 Staples in Front of PSS Julie Criste, and notified her of the batteries and Paper Clips inside me and She informed Defendant Fisher, and Moore [LTJ]. She Contacted medical and medical agreed to Come see me. Unit manager Fisher, right in Front of me called medical and told them not to Come. I refused. which was a lie. I was then Promised treatment by Defendant Moore IF I went into my cell. [at 5pm] I agreed to go to my cell to obtain medical treatment. medical never Came. Around 9:30 pm that night, after Clo Crain Continued to do his rounds and ignored my yells For help due to Severe Chest and Stomach Pains From Swallowing objects, I drop to my knees due to Crippling Pains in my Chest and gut during med line. Officer Moore, [who is the Lieutenant] knew of my Suicide attempt and Self harm. However, instead of taking me to the doctor like the med line nurse suggest, I was later Tazed, had my clothes cut off, and left in the cell during a medical emergency on this ~~date~~ day. No one help me. [I was Tazed by defendant Crain]



- 13) NOTE: I was Tazed by Defendant Crain at the order of Defendant Moore. Moore and Fisher New I had objects in me but Failed to get <sup>medical help</sup>
- 14) On 7-3-2020, I was rushed to the Out Side, [I believe name was J.C Blair] where It was determined the Pain was due to the Objects inside me. It was Confirmed I had a Tripple A battery inside me.
- 15) After being tazed on 7-2-2020, By Defendant Moore and Clo Crain, I Filed an abuse Claim. Since Filing this Claim, the threats and verbal assault Continued. However, they got more Constant. I was Continue to be denied Showers, False restrictions was Placed on me [ie spit mask, container etc]. And Officer Crain Continue to threaten to taze me again or Spray me. I Suffer From P.T.S.D, Depression, bipolar and pass Suicide attempts. Their Constant threats OF violence and their Pass violence on me [Tazing me during a medical emergency on 7-2-2020] Causing thoughts OF Suicide.



16) Defendant's mode, Crain, and Unit manager Fisher, has been denying me my Showers Since the 24th of June 2020. They've been denying me my hygiene Items. They've denied me Cups to drink water for my meals [today 7-14-2020]. And defendant Crain [only] still making threats of violence when he Claims to "Fuck your bitch ass up. you Aint Showering. Do something and I'ma Spray you". C/O Crain destroyed my Radio out my property out of retaliation, my sweat shirt and Continue to Conduct Searches to retaliate against me. [Cell Search] The Constant denial of Shower Caused me to obtain infections. Their Tazing me during a medical emergency instead of seeking a doctor, cause me to Suffer panic attacks. I don't feel safe during a medical emergency. Their constant threats of violence is causing me to have Suicide thoughts. I wrote the Superintendent and Deputy, nothings being done FURTHERMORE

Due To defendant's action and constant threats of violence, I seek a stay away order on defendant Crain only. \$ 80,000, in damages for being tazed during a medical emergency, And For mental



emotional and physical distress, cruel and unusual punishment. And for 8th amendment violation to clean living environment. I seek and immediate order to let me Shower, pending the out come of this Case.

Respectfully  
Submitted

Andre Lewis

  
Plaintiff

July 14, 2020



Smart Communications/PADOC

CI- Smith Field  
ame Andre Lewis  
umber mw5092

Box 33028

Petersburg FL 33733

RECEIVED  
HARRISBURG, PA

JUL 22 2020

PER

DEPUTY CLERK

Clerk of Court

U.S. district court

228 Walnut St.

P.O. Box 983

Harrisburg, PA 17108

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